



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

August 29, 1962

Honorable V. D. Housworth
Executive Secretary
State Board of Barber Examiners
512 State Office Building
Austin, Texas

Opinion No. WW-1430

Re: Whether students in a barber
school may be compensated for
services performed by them
while in school.

Dear Mr. Housworth:

Your recent request for opinion on the above captioned subject informs us that a barber school operating within this State charges a nominal fee for services performed by their students, which fee ordinarily covers the costs of maintenance of the school. You inform us that this is an accepted practice, but that the school in question is paying the student barbers a certain commission on the services performed by them, hence this request for opinion.

Article 734a of Vernon's Penal Code states in part as follows:

"Section 1. It shall be unlawful for any person to engage in the practice or attempt to practice barbering in the State of Texas without a certificate of registration as a registered barber issued pursuant to the provisions of this Act, by the Board of Barber Examiners hereinafter created.

"Sec. 2. It shall be unlawful for any person to serve or attempt to serve as an assistant barber under a registered barber within the State of Texas without a certificate of registration as a registered assistant barber, issued by the Board herein provided for.

". . . .

"Sec. 4. Barber shop, as defined herein, shall mean any place where barbering is practiced in this State, and the practice of barbering is hereby defined to be the following practices for hire or reward when not done in the practice of medicine, surgery, osteopathy or necessary treatments of healing the body by one authorized by law to do so;

"(a) Shaving or trimming the beard or cutting the hair.

"(b) By giving any of the following treatments by any person engaged in shaving or trimming the beard and/or cutting the hair;

"(1) Giving facial and scalp massages, or applications of oils, creams, lotions, or other preparations, either by hand or electrical appliances;

"(2) Singeing, shampooing, or dyeing the hair or applying hair tonics;

"(3) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck, or that part of the body above the shoulders.

". . .

"Sec. 6. It shall be unlawful for any person to follow the occupation of cutting hair, or practice as a haircutter in any beauty shop or hair dressing parlor or elsewhere for hire as hereinbefore provided unless excepted by this Act, unless such person shall have first obtained a Certificate, as herein provided, which certificate shall authorize the cutting of hair only in such parlor or establishment where such haircutting is for hire or reward. . . ." (Emphasis added)

In regard to student barbers enrolled in a barber school, we quote as follows from Section 9 of Article 734a:

"(d) Anything to the contrary in this Act notwithstanding, each such school shall place a sign on the front outside portion of its

building in a prominent place. Such sign shall read 'BARBER SCHOOL--STUDENT BARBERS,' and shall be a minimum size of ten-inch block letters. Printed signs containing the foregoing information shall be prominently displayed upon each inside wall of the establishment

"(e) A minimum of five (5) one-hour periods of each week shall be devoted to the instruction of theory in the classroom with Saturdays being devoted exclusively to practical work over the chair. An attendance record book must be maintained by the school showing a record of the students' daily attendance. These records are subject to inspection at any and all times by the Board." (Emphasis added)

As we construe the Texas Barber Law, the legislative intent of the statutes governing the establishment and operation of barber schools is that a prospective barber is required to complete a prescribed course of study in a school before he may be issued a certificate of registration. Part of his education as a student is devoted to "practical work over the chair," with which work you are concerned. We construe this practical work as an instrumental part of the student's education, and find no authority allowing such student barbers to "practice for hire or reward" when they do not hold a valid certificate of registration.

S U M M A R Y


Students in a barber school, who are completing their prescribed course of study, may not be compensated or paid a commission on

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services performed by them while
in school.

Yours very truly,

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Attorney General of Texas

By 
Fred D. Ward
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FDW:wb:zt

APPROVED:

OPINION COMMITTEE
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REVIEWED FOR THE ATTORNEY GENERAL
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